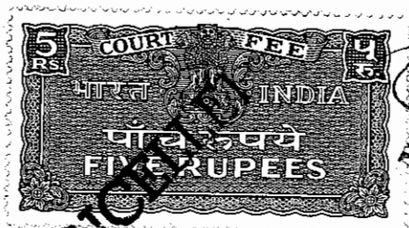

CANCELLED CANCELLED

(B)

CF 16

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal No. 578 */2004*

Division Bench

Appellant — Devanand Pal, S/o Agnu Ram Pal
Aged About 21 Years,
R/o Village Seoni, PS Abhanpur
Teh. & Distt. Raipur

VERSUS

Respondent

1. Kapil Kakkad,
S/o Tilak Raj Kakkad,
Aged About 20 Years

2. Tilak Raj Kakkad
S/o S.R. Kakkad

Both Resident of
Punjabi Colony Katora Talab
Raipur (CG)

3. The National Insurance Company Limited,
Through, Divisional Manager,
Division Office, Mobim Mahal,
GE Road, Raipur
Teh. & Distt. Raipur (CG)

P.R No. 1352/04
Presented by Shri Rajesh Sharma
dated 14-6-04

Appeal U/S 173 of The Motor Vehicles Act, 1988
For Enhancement Of Compensation Amount

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...M.A. 578... **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH
HON'BLE SHRI A.K. PATNAIK, CJ.
& HON'BLE SHRI SATISH K. AGNIHOTRI, J.

10.08.2005

M.A. No.578 of 2004

Heard Mr. Raja Sharma, learned counsel for the appellant, Mr. J. A. Lohani, learned counse for respondents 1 & 2 and Mr. Rakesh Kumar Jha, learned counsel for respondent No.3 / Insurance Company.

This is an appeal under Section 173 of the Motor Vehicles Act, 1988 for enhancement of compensation against the order dated 07.04.2004 passed by III Additional Motor Accident Claims Tribunal, Raipur in Claim Case No.47 of 2002. By the said award only a sum of Rs.1,300/- was awarded by the said Tribunal in favour of the appellant for injury in the accident suffered by the appellant on 09.04.2002.

On 18.07.2005 when the case was listed before this Court, the Court was of the opinion that the appellant suffered from permanent disability after the Court had a look at the appellant. In the order dated 18.07.2005 the Court also observed that it will be open to the respondent No.3 to enter into a settlement of the claim of the appellant, in the meanwhile.

Now an application has been filed by the appellant that he has received an offer from respondent No.3 / Insurance Company to settle the claim of the appellant at Rs.85,000/- in addition to the amount already paid to the appellant pursuant to the impugned award.

SP/FS/2005 - 20,000

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..M.A. 578/..... **सन् 200** 4

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The counsel for the appellant and respondent No.3 do not dispute the fact that the settlement has been made between the appellant and respondent No.3.

This appeal is disposed of with a direction that respondent No.3 shall pay a further sum of Rs.85,000/- to the appellant within one month from today. The impugned award of the Tribunal stands modified accordingly.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Sarma